

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF MISSOURI

ELGIE L. LONG, SR., et al.     )  
  )  
                  Plaintiff,     )  
  )  
v.                                     )     Case No. : 01- 1111- CV- W- HFS  
  )  
CROSS REPORTING SERVICE, INC., )  
et al.,                                 )  
  )  
                  Defendants.     )

MOTION OF DEFENDANT WILLIAM STEPHEN NIXON TO DISMISS

COMES NOW defendant Judge William Stephen Nixon, pursuant to Federal Rule of Civil Procedure 12 and moves the Court to dismiss the claims made against him in plaintiffs' First Amended Complaint for the following reasons:

1. The First Amended Complaint fails to state a claim against him upon which relief can be granted since defendant Nixon is a Judge of the Sixteenth Judicial Circuit of Missouri, and plaintiffs' claims against him seek damages for actions taken by movant in his judicial capacity, and movant has absolute immunity from suit from the claims asserted against him by plaintiffs.

2. Additionally, plaintiffs' claims are barred by res judicata.

3. Suggestions in support of this motion are filed separately and are incorporated herein as though fully set

forth.

WHEREFORE, for the above and foregoing reasons defendant Nixon respectfully requests that the Court dismiss the plaintiffs' First Amended Complaint and for such other orders as the court deems just and proper.

DEACY & DEACY, LLP

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ATTORNEYS FOR DEFENDANT  
NIXON

CERTIFICATE OF SERVICE

I hereby certify that on this \_\_\_\_ day of August, 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

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ATTORNEY PRO SE and FOR PLAINTIFFS  
ELGIE L. LONG, SR., WILLIE A. LONG  
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Attorney for Defendant Nixon